IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH AT HYDERABAD

HON'BLE Mr. JUSTICE R. SUBHASH REDDY

Writ Petition No.8268 of 2002

Dated: October 3, 2007

Between:

Teresa German, W/o. German Reddy,
Aged 40 years, Occ: Principal, R/o. Flat No.204,
Sri Sai Apartments, Yousufguda Check Post,
Hyderabad.

… Petitioner

And

The Commissioner and Inspector General of
Registration & Stemps, Zamisthanpur,
Hyderabad, and others.

… Respondents

Order:

This writ petition has been filed questioning the validity of letter dated 15-02-2002, addressed by the second respondent, District Registrar, Ranga Reddy, in Lr.No.166/E/2002, to the Principal Junior Civil Judge, Hyderabad (West & South) Ranga Reddy District.

2. Third respondent herein is the plaintiff in O.S.No.188 of 2000 on the file of the Principal Junior Civil Judge, Hyderabad (West & South)

which was filed by him for perpetual injunction. In the said suit, petitioner wanted to rely on agreement of sale dated 14-09-1987 and sale deed dated 10-02-1998. As the said documents were not sufficiently stamped and as there was an objection with regard to their admissibility, petitioner filed an application in I.A.No.2945 of 2000 under Sections 33 and 35 of the Indian Stamp Act read with Section 151 of the Code of Civil Procedure, 1908 seeking permission to send the said documents to the competent authority, i.e. the District Registrar, Ranga Reddy District, the second respondent herein, for the purpose of impounding them. Though counter affidavit was filed by the third respondent in the said application, the Principal Junior Civil Judge Hyderabad (West & South) allowed the said application and directed the documents referred above to be sent to the District Registrar, Stamps, for impounding and returning them. Pursuant to the orders in the said I.A., the District Registrar, by the impugned order, wrote to the Principal Junior Civil Judge, Hyderabad (West & South) stating that petitioner has not paid deficit stamp duty and penalty and at the same time, he recorded a finding that the genuineness of the stamps was verified with the records of the stamp vendors and stated that report dated 08-02-2002 has been enclosed for taking further action. In the said report, it was stated that serial numbers of the stamps were verified with the stamp vendors by names Smt. P. Rama Subbamma and Sri Kishan Prasad and they were not tallying with the office records.

3. The grievance of the petitioner is that, with regard to payment of stamp duty, he received a communication from the District Registrar only on 04-03-2002 and even before the same, the said documents were returned along with the impugned order. It is the case of the petitioner that as much as the scope of the proceedings before the

District Registrar was confined only for the purpose of impounding the documents, he had no authority at all to record any finding with regard to genuineness of the said documents.

4. Heard learned counsel for the petitioner, learned Government Pleader for Revenue for respondents 1 and 2, Mr. N. Rajeswara Rao for third respondent and Mr. R.S.R.S. Sarma for the impleaded respondent.

5. Third respondent has filed counter affidavit denying the allegations of the petitioner. Learned counsel appearing for the third respondent and the impleaded respondent submit that subsequently the said suit itself was dismissed as withdrawn. It is contended that petitioner cannot question the impugned letter addressed by the District Registrar to the Principal Junior Civil Judge (West & South), in a petition filed under Article 226 of the Constitution of India.

6. At the outset, it is to be seen that though the impugned letter is only a communication sent by the District Registrar to the Junior Civil Judge, however, the same has been addressed pursuant to the order passed in I.A.No. 2945 of 2000 in O.S.No.188 of 2000. Though it is alleged by the petitioner, he received communication from the District Registrar about payment of stamp duty and penalty only on 04-03-2002, however, the District Registrar has not filed any counter affidavit denying the said allegation of the petitioner. In any event, as much as it is stated that the suit itself was withdrawn subsequently, it is not necessary for this court to go into the said aspect. If the petitioner seeks impoundment of the said documents, he can very well file a separate application for the purpose of impounding the said documents, which are subject matter of I.A.No.2945 of 2000 in

O.S.No.188 of 2000. If any such application is filed, it is open for the District Registrar to consider the same in accordance with the Indian Stamp Act. But, at the same time, the finding of the District Registrar on the genuineness of the said documents was wholly uncalled for. The scope of consideration before the District Registrar was confined only with regard to impounding of the said documents. When the said suit was pending consideration, it was not for the District Registrar to make an enquiry with regard to the genuineness or otherwise of the documents which were sent for impounding. The said enquiry is totally without any jurisdiction and the report prepared in that regard is also without any authority of law.

7. In the circumstances and for the reasons stated above, letter dated 15-02-2002, addressed by the District Registrar, Ranga Reddy District, to the Principal Junior Civil Judge, (West & South) Ranga Reddy and the report dated 08-02-2002 are set aside to the extent of enquiring into the genuineness or otherwise of the said documents. It is clarified that it is open for the parties to agitate their rights before an appropriate forum.

8. The writ petition is accordingly disposed of. No order as costs.

_____

JUSTICE R. SUBHASH REDDY.

October 3, 2007
MRR